IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.737 OF 2006
IN
CRIMINAL APPEAL NO.653 OF 2006

Hitesh Premchand Gadda ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri S.P. Kadam for the Applicant.

Shri Rajesh More, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 11, 2006.

P.C.:

1. Heard the Advocate for the Applicant and the learned A.P.P. for the State. The Applicant has been convicted for offence punishable under section 306 of the Indian Penal Code and has been sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.5,000/-. In default in payment of fine, he has been sentenced to undergo rigorous imprisonment for three months. I have perused the notes of evidence and the impugned judgment. Prima facie, it appears to me that the conviction is based only on the evidence of minor daughter of the Applicant and the deceased. The learned Trial Judge has relied upon paragraph No.3 of the deposition of the minor girl in which she has stated that relations between the Applicant and her

mother were very nice. In the same paragraph she has stated that her grand-mother told her that there was a quarrel between her mother and the Applicant and the Applicant shouted at the mother and thereupon mother went in the bathroom and consumed poison. The grand-mother has not been examined. The learned Trial Judge has held that the version of P.W.1 Chandrakant as regards demand of money by the Applicant was a doubtful version. He has held that there is material deficiency in his evidence.

2. The learned judge has observed that for a period of thirteen years from 1990 to 2003 the Applicant and the deceased resided together and were having cordial relations. A case is made out for enlarging the Applicant on bail. He was on bail during the pendency of trial.

3. Hence, I pass the following order:

(i) The Applicant shall be enlarged on the same bail on which he was enlarged during the pendency of the trial subject to filing fresh bail bonds.

(ii) The bail is granted subject to condition that the Applicant will report to the Charkop Police Station, Mumbai once in a month till final hearing of the Appeal.

JUDGE